



California Regulatory Notice Register

REGISTER 2002, NO. 41-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

OCTOBER 11, 2002

PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION	<i>Page</i>
<i>Conflict of Interest Code—Notice File No. Z02-1001-05</i>	1969
Multi-County: Sierra Joint Community College District	
Truckee Donner Public Utility District	
Sacramento Area Council of Government	
Mid-Peninsula Regional Open Space District	
TITLE 8. INDUSTRIAL MEDICAL COUNCIL	
<i>The Examination of Injured Workers' Physicians—Notice File No. Z02-0927-04</i>	1970
TITLE 14. FISH AND GAME COMMISSION	
<i>Big Game License Tag Drawing—Notice File No. Z02-1001-07</i>	1972
TITLE 15. DEPARTMENT OF CORRECTIONS	
<i>Contraband-Frontal Nudity—Notice File No. Z02-1001-08</i>	1974
TITLE 16. BOARD OF BEHAVIORAL SCIENCES	
<i>Child Abuse Assessment Training Requirements—Notice File No. Z02-0930-01</i>	1976

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME	
<i>Fort Irwin Road Widening Project</i>	1978
DEPARTMENT OF TOXIC SUBSTANCES CONTROL	
<i>Variance—City of Norwalk</i>	1979
DEPARTMENT OF TOXIC SUBSTANCES CONTROL	
<i>Variance—Fresno County</i>	1979
DEPARTMENT OF TOXIC SUBSTANCES CONTROL	
<i>Variance—Ventura County</i>	1980

(Continued on next page)

*Time-
Dated
Material*

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
Availability of the Draft Hazard Identification Document for Sodium Saccharin 1980

RULEMAKING PETITION DECISIONS

DEPARTMENT OF HEALTH SERVICES
*Regarding the Petition of American Water Works Association for Environmental Laboratory
Accreditation Program—Performance Testing Sample Instructions* 1981

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State..... 1982
Sections Filed, May 29, 2002 to October 2, 2002 1985

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by the Office of State Publishing and is offered by subscription for \$302.00 (annual price). To order, call (916) 445-5391. Periodicals postage paid at Sacramento, CA and additional mailing offices. **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Customer Coordinator, Office of State Publishing, 344 N. 7th Street, Room 104, Sacramento, CA 95814-0212.

PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303 and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

AMENDMENT

MULTI-COUNTY:

**Sierra Joint Community College District
Truckee Donner Public Utility District
Sacramento Area Council of Government
Mid-Peninsula Regional Open Space District**

A written comment period has been established commencing on **October 11, 2002** and closing on **November 25, 2002**. Written comments should be directed to the Fair Political Practices Commission, Attention Cynthia A. Jones, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **November 25, 2002**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to Cynthia A. Jones, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Cynthia A. Jones, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 8. INDUSTRIAL MEDICAL COUNCIL

NOTICE OF PROPOSED RULEMAKING

The Industrial Medical Council (“IMC”) proposes to adopt the regulations described below after considering all comments, objections and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The IMC proposes to amend section 46 in Title 8 of the California Code of Regulations (CCR). This section governs the conduct of medical-legal examinations of the neuromusculoskeletal system.

PUBLIC HEARING

The IMC will hold one public hearing on the adoption of Industrial Medical Council regulations relating to the evaluation of injuries to the neuromusculoskeletal system applicable to all physicians performing medical-legal evaluations in the workers’ compensation system.

The hearing will be on the following date at the following location:

Day: November 18, 2002

Time: 1:00pm to 3:00pm

Place: Ramada Inn
245 South Airport Blvd.
South San Francisco, CA 94080

At the hearing, any person may present statements or arguments orally or in writing to the proposed action described in the informative digest. It is requested but not required that anyone wishing to make public comment at the hearing submit comments in writing to the IMC before the date of the hearing.

All written comments should be mailed to James D. Fisher, Esq., P.O. Box 8888 San Francisco, CA 94128 and must be received by the IMC no later than 5:00 p.m., November 25, 2002 or may be submitted at the public hearing by close of session. Comments by fax will be accepted. Fax No. (650) 737-2989, E-mail address IMCrules@dir.ca.gov.

AUTHORITY AND REFERENCE

The IMC is undertaking this regulatory action under the authority conferred in Labor Code sections 139, 139.2 and 5307.4. The action will implement, interpret and make specific Labor Code sections 139, 139.2, 4060, 4061, 4061.5 and 4062.

STATEMENT OF NECESSITY

The IMC has determined that the proposed regulations are necessary to the effectiveness of the operation of the QME evaluation process. Labor Code section 139.2(j)(2) mandates adoption of these regulations by the IMC.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The IMC proposes to amend current regulations governing the requirements for the conduct of medical-legal examinations of the neuromusculoskeletal system in the workers’ compensation system. This guideline will serve to provide specific instructions to guide physicians in performing medical/legal evaluations of the neuromusculoskeletal system.

The Council oversees the medical aspects of the California Workers’ Compensation system and appoints physicians as Qualified Medical Evaluators to perform medical-legal evaluations of injured workers.

The Industrial Medical Council’s legislative mandates are set out in Sections 139–139.2 of the California Labor Code. Labor Code section 139.2(j)(2) requires the Industrial Medical Council (IMC) to promulgate rules and regulations concerning “procedures to be followed by all physicians in evaluating the existence and extent of permanent impairment and limitations resulting from an injury.” The IMC has previously adopted six evaluation protocols concerning various parts of the body. The purpose of these proposed rules is fulfilling the IMC’s mandate by issuing evaluation protocols covering examinations of the neuromusculoskeletal system.

The purpose of the changes to the current guideline is to substitute the word “complaint” for the term “symptom” and change the term “impairment” to the term “disability”. This proposed change is to make the guideline more compatible with “Evaluation of Industrial Disability” edited by Packard Thurber, Second Edition, Oxford University Press, New York, 1960 (Packard Thurber) and section 9727 of title 8 of the California Code of Regulation, which defines subjective disability for purposes of workers’ compensation. The IMC proposes other minor changes to this section to clarify the procedures used by physicians in examining injured workers. In section two of the existing guideline, the IMC proposes to correct a spelling error and minor non-substantive changes to clarify the procedures used by physicians in examining injured workers.

Finally, the IMC seeks to add a new section titled “Neck Injuries With or Without Radiating Symptoms Physical Examination.” There are no current guidelines in the other protocols, which address the evaluation of cervical spine injuries. This section provides guidance to physicians about the evaluation techniques and tests that physicians may use to determine the nature and extent of disability to an injured worker who has sustained cervical spine injury.

CONSIDERATION OF ALTERNATIVES

The IMC must determine that no reasonable alternative considered by the IMC or that has otherwise been identified and brought to the attention of the IMC to the proposed regulation that would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulations.

The IMC invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearings or during the written comment period.

LOCAL MANDATES

These proposals if adopted will not mandate any programs upon local agencies or school districts.

EFFECT ON HOUSING COSTS

The IMC has made an initial determination that the proposed regulations will have no effect on housing costs.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY
AFFECTING BUSINESSES**

The IMC made an initial determination that the proposed regulatory determination that the proposed action will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California business to compete with business in other states.

**COST OR SAVINGS IN FEDERAL FUNDING
TO STATE**

None. The proposed regulations will not affect any Federal funding to the State.

COSTS OR SAVINGS TO STATE AGENCIES

The proposed regulations will not impose costs on state agencies. Any such costs are non-reimbursable, however, since the requirement that employers contribute to the funding of California's workers' compensation programs is not unique to state agencies and applies to all employers alike, both public and private.

**POTENTIAL COST IMPACT ON PRIVATE
PERSONS OR BUSINESSES
DIRECTLY EFFECTED**

The IMC is not aware of any cost impacts that a representative private person or business would necessary incur in reasonable compliance with the proposed action has determined that the proposed regulations may have an insignificant impact on private persons or businesses.

**ASSESSMENT OF EFFECTS ON JOB AND/OR
BUSINESS CREATIONS ELIMINATION
OR EXPANSION**

The IMC has determined that these regulations will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or the elimination of existing jobs within the State of California, or the expansion of existing businesses within the State of California.

**OTHER NON DISCRETIONARY COSTS OR
SAVINGS IMPOSED ON LOCAL AGENCIES**

None. There are no non-discretionary costs or savings.

SMALL BUSINESS

The proposed regulatory action may affect small business.

**CONTACT PERSONS AND THE AVAILABILITY
OF STATEMENT OF REASONS AND TEXT OF
PROPOSED REGULATIONS**

The text of the proposed regulations may be obtained upon request from the IMC. An initial statement of reasons for the proposed action containing all the information upon which the proposal is based is prepared and available from the IMC. The rulemaking file is available for public inspection at 395 Oyster Point Blvd., Suite 102, So. San Francisco, Ca. 94080. When prepared and available, the final statement of reasons can be requested from the contact person. Please direct requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, upon which the rulemaking is based to:

Annadesa Gregorio (650) 737-2034
James Fisher, Esq. (650) 737-2049
Department of Industrial Relations
Industrial Medical Council
395 Oyster Point Blvd., Ste. 102
South San Francisco, CA 94080

Inquiries concerning the substance of the proposed action may be directed to:

James D. Fisher, Esq (650) 737-2049
Anne Searcy, M.D. (650) 737-2006
Department of Industrial Relations
Industrial Medical Council
395 Oyster Point Blvd., Ste. 102
South San Francisco, CA 94080

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

After holding the hearings and considering all timely and relevant comments received, the IMC may adopt the proposed regulations substantially as described in this notice. If the IMC makes modifications that are sufficiently related to the originally proposed

text, the IMC will make the modified text with the changes clearly indicated available to the public. The text will be available for at least 15 days before the IMC adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Annadesa Gregorio at the address indicated above. The IMC will accept written comments on the modified regulations for 15 days after the date the text is made available.

FINAL STATEMENT OF REASONS

Upon written or e-mail request, the final statement of reasons will be made available for inspection and copying once it has been prepared. Written requests for the final statement of reasons should be directed to the contact persons listed above.

AUTOMATIC MAILING

The IMC will automatically mail a copy of this Notice, including the Informative Digest, to those interested persons on the IMC's mailing list. When adopted, the regulations as amended will appear at California Code of Regulations at Title 8, Sections 46.1.

WEB ACCESS

A copy of this Notice, the Initial Statement of Reasons, and the Text of the proposed regulations can be obtained at the IMC's website at <http://www.dir.ca.gov/IMC/imchp.html>. On the left side of the page, you will see a link to "Proposed Regulations." Click on the link and you will be taken to the page containing the proposed regulation in this Notice. Alternatively, a copy of this Notice, the Initial Statement of Reasons, and the Text of the proposed regulations can be obtained at the website of the Department of Industrial Relations at <http://www.dir.ca.gov/>. In the middle of the page you will see a link "Rulemaking—Proposed Regulations." Click on the link and you will be taken to the page containing the proposed regulation in this Notice.

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 203, 215, 219, 220, 331, 332, 1050, 1572, 4302, 4331, 4336, 4340, 4341 and 10502 of the Fish and Game Code and to implement, interpret or make specific sections 200–203.1, 207, 210, 215, 218, 219, 220, 331, 332, 713, 1050, 1570–1572, 3950, 3951, 4302, 4330–4333, 4336, 4340, 4341, 4652–4655, 4657, 4750–4756, 4902, 10500 and 10502 of said Code, proposes to amend

Section 708, Title 14, California Code of Regulations, relating to big game license tag, application, distribution, and reporting procedures.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing regulations specify conditions under which unsuccessful applicants may accrue points for use in future drawings. The proposed change implements a Modified Preference Point drawing system that awards a specified minimum portion of the tag quota for each hunt in the Big Game Drawing to those eligible applicants with maximum accrued points (Preference Point Drawing), and the remaining portion to applicants based on hunt choice and lowest, computer-generated random numbers, without consideration of accumulated points (Draw-By-Choice Drawing). Provisions of the Modified Preference Point drawing system are as follows:

Successful applicants who receive tags for their first choice premium deer, bighorn sheep, elk or pronghorn antelope hunts will lose all preference points for that species.

For party applications, the Department shall use the average preference point value of all party members (total preference points for the party divided by number of party members) as the basis for consideration in the drawing for that species. Point averages will not be rounded. Party applications for premium deer hunts will not be split to meet the tag quota if the number of party members exceeds the number of tags available. Such premium deer hunt party applications shall be bypassed until the quota is reached.

Persons who do not wish to apply for premium deer, bighorn sheep, elk or pronghorn antelope tags may earn one preference point for any or all of these species by submitting the appropriate application(s) and writing the point code number for that species, as defined by the Department, in the hunt choice box (first choice only for deer). Persons applying for a preference point in this manner are subject to the same application requirements as regular drawing applicants.

The Department shall maintain records of preference points earned by individual applicants based on the hunter identification number provided on each application (driver's license number, Department of Motor Vehicles identification number, or hunter identification number assigned by the Department). Applicants shall notify the Department's License and Revenue Branch, at 3211 S Street, Sacramento, CA 95816, in writing, of any changes or corrections regarding name, mailing address or hunter identification number.

Persons not applying for premium deer, bighorn sheep, elk or pronghorn antelope hunts through the Department's Big Game Drawings for five consecutive years shall lose all preference points for that species. Persons whose applications are disqualified shall be considered the same as persons not applying. Applying for preference points as described above, will keep an applicant's file active.

For premium deer hunts with quotas of ten or less, one tag will be awarded using a Draw-By-Choice Drawing, whereas the remaining tags will be awarded using a Preference Point Drawing. For premium deer hunts with quotas greater than ten, 90 percent of the quota will be awarded using a Preference Point Drawing. Any fractional tags in the Preference Points portion will be rounded to the next higher whole number. Remaining tags will be awarded using a Draw-By-Choice Drawing.

For each junior deer hunt, 50 percent of the quota will be awarded using a Preference Point Drawing. Any fractional tags in the Preference Points portion will be rounded to the next higher whole number. Remaining tags for each junior deer hunt will be awarded using a Draw-By-Choice Drawing.

For bighorn sheep, elk and pronghorn antelope hunt quotas of four or less, one tag will be awarded using a Draw-By-Choice Drawing and the remaining tags will be awarded using a Preference Point Drawing. For quotas greater than four, 75 percent of the quota will be awarded using a Preference Point Drawing. Any fractional tags in the Preference Points portion will be rounded to the next higher whole number. Remaining tags will be awarded using a Draw-By-Choice Drawing. For bighorn sheep hunts, it is expected that from 50–65 percent of the cumulative quota will be awarded using Preference Point Drawings. From 35–50 percent of the cumulative quota will be awarded using Draw-By-Choice Drawings. For elk and pronghorn antelope hunts, it is anticipated that approximately 75 percent of the cumulative quotas will be awarded using Preference Point Drawings. Approximately 25 percent of the cumulative quotas will be awarded using Draw-By-Choice Drawings.

The proposal includes editorial changes for consistency and clarity. Specifically, the existing regulations are modified to refer readers to the regulatory changes.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Board of Supervisors Chambers, 981 H Street, Crescent City, California on Friday, October 25, 2002, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Monterey Beach Resort Hotel, 2600 Sand Dunes Drive and Highway 1, Monterey, California, on Friday, December 6, 2002, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before November 29, 2002 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than December 6, 2002, at the hearing in Monterey, CA. E-mail comments must include the true name and mailing address of the commenter.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rule-making file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Sherrie Koell at the preceding address or phone number. John Carlson, Wildlife Programs Branch, Department of Fish and Game, phone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.dfg.ca.gov/fg_comm/.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The agency is not aware of any cost impacts that a representative business would necessarily incur in reasonable compliance with the proposed action. The proposed action does not adjust or set tag quotas, it merely defines how these quotas will be allocated to the public.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal funding to the State: The proposed changes would require modification of existing drawing programs in the Department's Hunter Information System. It is estimated that these changes will cost between \$50,000 and \$100,000. In addition to these one-time costs, the Department's License and Revenue Branch will incur ongoing personnel costs for maintenance of customer information related to point tracking (i.e., resolving duplicate customer records and researching application records to resolve customer disputes). Ongoing personnel costs are estimated at \$20,000–\$40,000 annually (0.5–1.0 PY at Program Tech II level).

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.

- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 15. DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTION OF EMERGENCY REGULATIONS

California Code of Regulations Title 15, Crime Prevention and Corrections Division 3

NOTICE IS HEREBY GIVEN that the Director of the Department of Corrections (CDC), pursuant to rulemaking authority granted by Penal Code (PC) Section 5058, in order to implement, interpret and make specific PC Section 5054, proposed to amend Section 3006 in the California Code of Regulations (CRC), Title 15, Division 3 relating to the Contraband-Frontal Nudity.

PUBLIC HEARING

Date and Time: December 18, 2002, 9:00 AM to 12:00 PM

Place: Department of Water Resources Auditorium
1416 Ninth Street
Sacramento, CA 95814

Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close December 18, 2002 at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax, or e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the Department of Corrections, Regulation and Policy Management Branch, P.O. Box 942883,

Sacramento, CA 94283-0001; by fax at (916) 322-3842; or by e-mail at RPMB@executive.corr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

Rick Grenz, Chief
Regulation and Policy Management Branch
Department of Corrections
P.O. Box 942883, Sacramento, CA 94283-0001
Telephone (916) 322-9702

In the event the contact person is unavailable, inquires should be directed to the following back-up person:

A. Cunningham
Regulation Management Unit
Telephone (916) 322-9702

Questions regarding the substance of the proposed regulatory action should be directed to:

A. Sisneros
Institutions Division
Telephone (916) 323-4060

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate, which requires reimbursement pursuant to Government Code Section 17561.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: *None*
- Other non-discretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business, because they are not affected by the internal management of state prisons.

ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Department has determined that the proposed regulation will have no effect on the creation of new or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory action.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared and will make available the text and the Initial Statement of Reasons of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, Initial Statement of Reasons, and the Notice of Proposed Action will also be made available on the Department's website <http://www.cdc.state.ca.us>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the final statement of reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications, which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regula-

tion text should be directed to the contact person indicated in this notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

PC Section 5054 vests with the Director the supervision, management and control of the prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of inmates.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

PC Section 5058.3 authorizes the Director to adopt, amend, or repeal emergency regulations conducted pursuant to Government Code Section 11340.

This action amends provisions governing Contraband within the California Department of Corrections (Department). California Code of Regulations, Section 3006(c), is being amended to state that inmates shall not possess or have under their control any personal photos, magazines, drawings, or other pictorial format, which contains materials of a sexually explicit nature.

This regulation includes the description of sexually explicit materials. This regulation states that sexually explicit images that depict frontal nudity whether in the form of personal photographs, drawings, magazines, and/or pictorials shall be considered as contraband and that inmates shall not be allowed to possess such materials. This regulation further describes sexually explicit materials as material that depicts frontal nudity of either gender, including the exposed female breast(s) and/or the genitalia of either gender.

Sexually explicit letters, articles, and photographs of clothed person(s) are not included in the regulation and will be allowed. Departmentally purchased or acquired educational, medical/scientific, artistic materials such as books or guides purchased by the Department for inclusion in institution libraries and/or educational areas will be allowed. Additionally, inmates shall be allowed to purchase or possess materials, including, but not limited to anatomy medical reference books, general practitioner reference books or guides, National Geographic or artistic reference material depicting historical, modern, and/or post modern era art, if these materials are approved by the institution head or their designee on a case-by-case basis.

This regulation will aid in the legitimate penological interests of maintaining the safety and security of the prisons, rehabilitating inmates, reducing sexual harassment of correctional officers and preventing a hostile work environment. Sexually explicit materials, within the institutions, have contributed to an increase of

verbal assaults and have lead to intimidation of female correctional staff when attempting to perform cell searches. Inmates subject female correctional staff to a daily barrage of unwarranted sexual advances, thus causing an uncomfortable working environment and continued confrontation with inmates.

Additionally, unrestricted access to sexually explicit material could lead to bartering between inmates and anatomical comparisons could lead to fights between inmates thereby jeopardizing the safety of prison staff and other inmates.

A recent 9th Circuit Court decision (*Mauro v. Arpaio*, 188 F.3d 1054, 9th Cir. 1999) upheld the constitutionality of a correctional policy prohibiting prisoners from possessing sexually explicit materials that showed frontal nudity of either gender, including the exposed female breast(s) and/or the genitalia of either gender, because the policy was reasonably related to a legitimate penological interest.

The Department contends that prohibiting sexually explicit materials that show frontal nudity is aimed at the legitimate interest of maintaining prison security, rehabilitating inmates, and reducing sexual harassment. The Department also contends that reducing violence and aggression toward female staff, and protecting the safety of departmental staff at the institutions, in general, is a legitimate interest, and that reducing sexual harassment and not allowing a hostile work environment in particular, likewise is legitimate.

The Department contends that inmates retain alternative means of exercising their constitutional right to receive sexually explicit communications, since these regulations do not prohibit sexually explicit letters nor does it prohibit sexually explicit articles or photographs of clothed persons.

TITLE 16. BOARD OF BEHAVIORAL SCIENCES

DEPARTMENT OF CONSUMER AFFAIRS

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments in writing relevant to the action.

Written comments must be received by the Board at its office by mail at 400 R Street, Suite 3150, Sacramento, CA 95814, by e-mail at BBSWebMaster@bbs.ca.gov, or by fax at 916-323-0707, not later than 5:00 p.m. on November 25, 2002.

The Board does not intend to hold a hearing on this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the

Board. The request must be received in the Board office no later than 15 days prior to the close of the written comment period.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written and oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 28, 4980.60 and 4990.14 of the Business and Professions Code (Code), and to implement, interpret and make specific Sections 28, 4980.41, 4996.2, 4980.54, and 4996.22 of the Code, the Board is considering changes to Division 18 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW

Regulation Section 1807.2 addresses the pre licensure requirement for child abuse assessment training. This section indicates the minimum hours of training needed and the various entities or educational institutions by which this training may be taken. Effective May 19, 1997, the Board began implementing the requirement of continuing education as a condition of licensure renewal. Part of the implementation also included the Board's authority to register continuing education providers. Section 1807.2 does not include licensed health facilities and continuing education providers approved by the Board as those who may offer this required training. This section also includes an incorrect reference to the Education Code.

This proposal will expand the acceptable entities who can offer child abuse assessment training. This will allow continuing education providers and licensed health facilities the opportunity to offer this necessary training and pre licensed individuals will have a wider selection of sources in order to fulfill this requirement. Additionally, this proposal will reference the correct section of the Education Code that relates to the approving authority of the Bureau for Private Postsecondary and Vocational Education.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs/Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The Board has made an initial determination that this proposed regulatory action would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: None

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Private Persons or Entities:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulatory action.

Effect on Housing Costs:

The Board had made an initial determination that the proposed regulatory action would have no significant effect on housing costs.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulatory action would affect small businesses. This proposed regulatory action will benefit small businesses by allowing them to offer the required child abuse assessment training to pre licensed individuals.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons that the proposal described in this Notice.

Any interested person may present statements or arguments in writing relevant to the above determinations to the below mentioned address.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulation and of the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Behavioral Sciences at 400 R Street, Suite 3150, Sacramento, California 95814-6240.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulation is based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be addressed to Julie McAuliffe at the above address or at (916) 445-4933, extension 1142.

The backup contact person is Sherry Mehl (916) 445-4933. The person designated to respond to questions on the substance of the regulatory proposal is Julie McAuliffe (916) 445-4933, extension 1142.

Website Access: Materials regarding this proposal can be found at www.bb.ca.gov

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND GAME

INCONSISTENCY DETERMINATION

Fish and Game Code section 2080.1

CESA No. 2080-2000-019-06

PROJECT: Fort Irwin Road Widening Project (Project)
LOCATION: San Bernardino County
REQUESTER: San Bernardino County Department of Public Works

BACKGROUND

According to Biological Opinion No. 1-8-02-F-30 issued by the U. S. Fish and Wildlife Service (Service) to the Federal Highway Administration on May 3, 2002, the Project proposes road reconstruction from the Fort Irwin boundary to Interstate 15; a total of 22.3 miles. Both the north and south bound driving lanes would be widened to 13-foot widths and a 10-foot paved shoulder would be added externally to both lanes. An additional 22-foot wide "clear zone" would be constructed externally to each shoulder that would

have all vegetation scraped away and the terrain smoothed or flattened. Five one-mile long passing/climbing lanes would be constructed at five separate locations.

According to the biological opinion, the proposed construction will result in 26 feet of new disturbance on each side of the existing roadway or approximately seventy (70) acres. The five one-mile long passing lanes would add an additional nine (9) acres of new disturbance. The County of San Bernardino has identified a total of eighty six (86) acres of new disturbance for the reconstruction, which includes slope grading to ensure clear zone widths.

Biological Opinion No. 1-8-02-F-30 sets forth measures to mitigate impacts to desert tortoise and its habitat. On August 28, 2002, the Director of the Department of Fish and Game (Department) received a notice from San Bernardino County Department of Public Works (County) seeking a determination pursuant to section 2080.1 of the Fish and Game Code that the federal biological opinion is consistent with the California Endangered Species Act (CESA) regarding the impacts to and mitigation for the desert tortoise (*Gopherus agassizii*). The desert tortoise is listed as threatened under both the CESA and under the Federal Endangered Species Act.

In the letter received on August 28, 2002, the County proposes to remove 346 acres of desert tortoise habitat from accessibility to the species by the construction of a tortoise fence. The construction of the tortoise fence constitutes the mitigation requirements identified in the biological opinion.

DETERMINATION

After review and consideration of the above-referenced federal biological opinion, the letter received on August 28, 2002, other relevant documents, and several discussions with representatives from the County, the Department has determined that Biological Opinion 1-8-02-F-30 is not consistent with CESA because the project and mitigation measures do not meet the requirements set forth in Fish and Game Code section 2081(b) and (c) for authorization of incidental take of species listed under CESA. This determination is based on the following considerations:

1. The biological opinion contains errors in its assessment of project impacts.
The calculations of new land disturbance presented in the biological opinion appear to be in error. Based on the information presented, Department staff has calculated a minimum of 149 acres will be disturbed from construction alone. The 70 acres of disturbance identified in the biological opinion appear to be the new disturbance on each side of the highway, not the total as identified in the

biological opinion. In addition, the County's estimate of 86 acres of new disturbance does not appear to include impacts within the 22-foot "clear zone" that will be scraped and cleared.

Although the distance from the proposed tortoise fence to the existing disturbed road bed is not identified in the biological opinion, the County estimates a total of 346 acres will be removed from accessibility to the desert tortoise. This includes the County's estimate of 86 acres of new disturbance and also includes the Department's estimate of 149 acres of new disturbance.

2. Measures described in the biological opinion do not meet CESA's requirement that impacts of the take must be fully mitigated.

The County has not proposed to enhance and/or permanently preserve desert tortoise habitat to compensate for the habitat that will be lost as a result of the project. Permanent protection of habitat through a conservation easement or other approved transfer and long-term management of the protected lands is generally required by the Department to ensure that project impacts are fully mitigated. Habitat enhancement projects are also a valuable tool in compensating for loss or degradation of habitat for this species. The project as proposed by the County includes no plan to preserve or enhance remaining desert tortoise habitat in the area, and the Service added no such requirement to the biological opinion.

The County plans to install 36.7 miles of tortoise fencing to reduce on-going incidental take of desert tortoise from vehicle strikes along the road following reconstruction, and the biological opinion will require installation of several miles of additional fencing if surveys show tortoise deaths in the unfenced area. While the Department supports fence construction to minimize take of tortoises along the widened road, the fence will not compensate for the habitat that is lost during construction of the project.

For these reasons, the Department has determined there is substantial evidence that Biological Opinion 1-8-02-F-30 is not consistent with CESA because it does not ensure that the impacts of the take of desert tortoise will be minimized and fully mitigated, as required under Fish and Game Code section 2081(b)(2). Pursuant to section 2080.1(c) of the Fish and Game Code, with this determination a section 2081(b) incidental take permit must be obtained for any incidental take of the desert tortoise and Mohave ground squirrel as a result of the activities described in the federal biological opinion.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

HOUSEHOLD HAZARDOUS WASTE UNIT STATE REGULATORY PROGRAMS DIVISION PUBLIC NOTICE FOR VARIANCE ISSUANCE

On September 12, 2002, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a variance renewal to the City of Norwalk. Authority for this action is contained in Health and Safety Code, section 25143. The variance was issued to conduct door-to-door (residential) household waste collections. This variance authorizes the City of Norwalk, through their contractor, to collect household hazardous wastes (HHW) from the elderly, handicapped residents, and others unable to participate in the regular HHW collection program. Wastes are to be delivered to an authorized HHW collection facility authorized under permit-by-rule (PBR). No business or agricultural wastes are to be collected under this variance. Specific standards exempted are contained in the Health and Safety Code, section 25201 and California Code of Regulations, title 22, division 4.5, chapter 20. The collections are subject to strict operating standards specified in the variance. For additional information contact Lee Halverson at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

HOUSEHOLD HAZARDOUS WASTE UNIT STATE REGULATORY PROGRAMS DIVISION PUBLIC NOTICE FOR VARIANCE ISSUANCE

On September 20, 2002, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a revised agricultural oil collection variance to Fresno County. Authority for this action is contained in Health and Safety Code, section 25143. The variance authorizes the listed sites to accept up to 55 gallons of used oil from local.

Silvas Oil Co., Inc located at 3217 East Lorena, Fresno

(new) Silvas Oil Co., Inc located at 1250 Laurel Avenue, Kingsburg

Standards exempted are contained in HSC, section 25201. Transported waste is shipped in accordance with federal Department of Transportation, California Highway Patrol, and California Vehicle Code requirements. For additional information contact Lee Halverson at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

**HOUSEHOLD HAZARDOUS WASTE UNIT
STATE REGULATORY PROGRAMS DIVISION
PUBLIC NOTICE FOR VARIANCE ISSUANCE**

On September 12, 2002, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a three-year variance renewal to Ventura County. Authority for this action is contained in Health and Safety Code, section 25143. This revised variance was issued for the addition of specific recyclable hazardous wastes to the mobile collection program currently conducted by Ventura County and encompasses remote, rural, and under-served areas of the county. The variance allows Ventura County to collect, transport, and store used motor oil, oil filters, antifreeze, latex paint, lead-acid batteries, household batteries, and fluorescent lamps collected from households and qualified conditionally exempt small quantity generator (CESQG) agricultural businesses (limited to 100 kilograms or 220 pounds/27 gallons per month). The variance further allows the qualified CESQGs to transport up to that same limit to the collection point without meeting registered transporter or hazardous waste manifesting requirements. Standards that are exempted are contained in the Health and Safety Code, sections 25163(a), 25160, and 25201. Transported waste is shipped in accordance with Federal Department of Transportation, California Highway Patrol, and California Vehicle Code requirements. For additional information contact Lee Halverson of at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

PROPOSITION 65

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT
SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(PROPOSITION 65)**

**NOTICE TO INTERESTED PARTIES
October 11, 2002**

**AVAILABILITY OF THE DRAFT HAZARD
IDENTIFICATION DOCUMENT FOR
SODIUM SACCHARIN**

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65).

The Carcinogen Identification Committee (CIC) of OEHHA's Science Advisory Board advises and assists OEHHA in compiling the list of chemicals known to the State to cause cancer, which is mandated by Health and Safety Code Section 25249.8. The Committee serves as the State's qualified experts for determining whether a chemical has been clearly shown through scientifically valid testing according to generally accepted principles to cause cancer.

On April 6, 2001, OEHHA requested information in relation to the preparation of a draft hazard identification document on sodium saccharin, a chemical to be considered by the CIC for possible removal from the Proposition 65 list. The 60-day data call-in period ended on June 5, 2001. Information was submitted on sodium saccharin, which was considered in the preparation of its draft hazard identification document.

OEHHA has prepared the draft hazard identification document for sodium saccharin and announces the availability of the draft document entitled: "Evidence on the Carcinogenicity of Sodium Saccharin." Copies of the draft document are available from the Proposition 65 Implementation Office and may be requested by calling (916) 445-6900. The document is also available through the Internet at the following address: <http://www.oehha.ca.gov/>. This notice marks the beginning of a 60-day public comment period. Comments should be submitted in triplicate and directed to:

Cynthia Oshita
Office of Environmental Health Hazard Assessment
Proposition 65 Implementation
P.O. Box 4010
1001 I Street, 19th floor
Sacramento, California 95812-4010
FAX (916) 323-8803

In order to be considered, comments must be postmarked (if sent by mail) or received at OEHHA (if hand-delivered or sent by fax) by 5:00 p.m. on Tuesday, December 10, 2002.

OEHHA will organize and index the comments received and forward the information to the CIC members prior to the meeting at which the candidate chemical will be considered. The next meeting of the CIC is scheduled for **Tuesday, December 17, 2002**. The meeting will be held at the California Environmental Protection Agency Headquarters Building, Coastal Hearing Room, at 1001 I Street, Sacramento, California. The meeting will begin at 10:00 a.m. and will last until all business is conducted or until 5:00 p.m. The agenda for the meeting will be provided in a future public notice published in advance of the December 17 meeting.

RULEMAKING PETITION DECISIONS

DEPARTMENT OF HEALTH SERVICES

September 16, 2002

Mr. Edgar Dymally, Chair
Government Affairs Committee
American Water Works Association
California-Nevada Section
10574 Acacia Street, Suite D6
Rancho Cucamonga, CA 91730

Dear Mr. Dymally:

Re: Environmental Laboratory Accreditation Program (State Certification), Performance Testing Sample Instructions—Request for Adoption of Regulations

Thank you for your letter of August 13, 2002, in which you petition the California Department of Health Services (Department) to adopt regulations which the instructions for Proficiency Testing (PT) samples used performance evaluation (PE). It is your belief that these instructions are necessary for regulatory compliance under the Environmental Laboratory Accreditation Program (ELAP). We are treating this request for adoption of regulations as a petition under Government Code section 11340.7. I am responding to your petition.

The Department has given careful consideration to your petition regarding the adoption of regulations which define the details of the spiking levels for the California specific analytes.

It is our belief that adopting regulations requiring the department to publish instructions to the PT vendors will compromise both the integrity of the PT samples as well as the PE process itself. It is in the best interest of public and environmental health to have PT sample content remain "blind", so that the capabilities of the regulated laboratories are measured as closely as possible to real world situations.

Accordingly, the Department has determined to deny your petition requesting the adoption of regulations for PT sample instructions.

You should be aware that pursuant to Government Code section 11340.7(c), you, or any other interested person may request reconsideration of any part or all of the Department's decision regarding this Petition no later than sixty (60) days after the date of this letter.

A copy of this letter will be sent to the Office of Administrative Law for publication in the California

Regulatory Notice Registrar, pursuant to Governmental Code section 11340.7(d).

If you, or any other interested person, would like a copy of the petition or wish to discuss this matter further, please do not hesitate to contact Cindy Lloyd at (916) 657-3068.

Sincerely,

Barbara H. Yonemura
Deputy Director and
Chief Counsel

cc: Ms. Allison Branscombe, Chief
Office of Regulations
714 P Street, Room 1000
Sacramento, CA 95814

Mr. Art Burton
Sequoia Analytical
885 Jarvis Drive
Morgan Hill, CA 95037

Ms. Miriam Cardenas
Laboratory Accreditation Work Group
City of Santa Monica Water Division
1228 South Bundy Drive
Los Angeles, CA 90025

Ms. Joan Walsh Cassedy
Executive Director
American Council of Independent
Laboratories
1629 K Street, N.W., #400
Washington, D.C. 20006

Ms. Cindy Cordoza
Helix Water District
9550 Lake Jennings Park Road
Lakeside, CA 92040

Mr. Andrew Eaton
MWH Laboratories
555 East Walnut
Pasadena, CA 91101

Mr. Bruce Fujikawa
California Association of Public Health
Laboratory Directors
c/o City of Long Beach Public
Health Laboratory
2525 Grand Ave., #260
Long Beach, CA 90815

Mr. Williams Gedney
California Water Association
Southern California Water Company
630 E. Foothill Blvd.
San Dimas, CA 91773-9016

Mr. David Eugene Kimbrough
Laboratory Accreditation Work Group
Castaic Lake Water Agency
27234 Bouquet Canyon Road
Santa Clarita, CA 91350-2173

Ms. Roberta L. Larson, Director
Legal and Regulatory Affairs
California Association of Sanitation Agencies
925 L Street, Suite 1400
Sacramento, CA 95814

Mr. Steve Meyer
Metropolitan Wastewater Department
City of San Diego
5530 Kiowa Drive
La Mesa, CA 91942

Mr. Kenneth Osborn
East Bay Municipal Utilities District
P.O. Box 24055 Mail Slot 59
Oakland, CA 94623

Mr. Dave Sandusky
Forensic Analytical Specialties
3777 Depot Road, Suite 409
Hayward, CA 94545

Ms. Betsy Shepherd
Metropolitan Water District of
Southern California
700 N. Moreno Avenue
La Verne, CA 91750-3399

Mr. Dan Smith
Association of California Water Agencies
910 K Street, Suite 100
Sacramento, CA 95814-3512

Ms. Kathy Suter
California Water Environment Association
South Bayside System Authority
Redwood City, CA 94063

Mr. Michael Williams
Water Quality Laboratory
City of San Diego
5530 Kiowa Drive
La Mesa, CA 91942

Mr. George C. Kulasingam, Ph.D.
Department of Health Services
Environmental Laboratory Accreditation
Program
625 Shattuck Avenue, Room 101
Berkeley, CA 94704

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF CHIROPRACTIC EXAMINERS Investigators; Authority to Inspect Premises

This action would provide that the Board or its designee may inspect the physical premises of any chiropractic office during regular business hours.

Title 16
California Code of Regulations
ADOPT: 306.3
Filed 10/02/02
Effective 11/01/02
Agency Contact:
Lavella Mathews (916) 263-6465

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD Transfer/Processing of Putrescible Wastes

This Certificate of Compliance amends the qualifying test for determining if a transfer and processing operation or facility is subject to the Board's regulations. (Previous OAL files 01-0806-01E, 0603-03EE)

Title 14
California Code of Regulations
AMEND: 17400, 17402, 17402.5
Filed 09/30/02
Effective 09/30/02
Agency Contact: Elliot Block (916) 255-2821

DEPARTMENT OF CHILD SUPPORT SERVICES Location of Persons and Assets

This Certificate of Compliance establishes the uniform forms, policies and procedures to be used statewide by all local child support agencies.

Title 22
California Code of Regulations
ADOPT: 110550 AMEND: 110413, 113100,
113200, 113300 REPEAL: 12-401.1, 12-104.432
Filed 09/30/02
Effective 09/30/02
Agency Contact: Lucila Ledesma (916) 464-5087

DEPARTMENT OF CORPORATIONS

Clean-up Non-substantive Amendments

The Department of Corporations is basically removing language pertaining to the Knox-Keene Health Care Service Plan Act of 1975 due to the fact that the administration thereof was transferred to the Department of Managed Care (Ch. 525, Stats. 1999), correcting various typographical errors which took place over time, address change for the Department of Corporations, changing California Administrative Code references to California Code of Regulations, and removing the requirement for the maintenance of an eligible securities list identifying securities meeting a repealed exemption from qualification for nonissuer transactions for securities on a national exchange certified by the Commissioner of the Department of Corporations (Ch. 391, Stats. 1997).

Title 10

California Code of Regulations

AMEND: 250.9.1(a), 250.12(a), 250.51, 350.60(a), 260.001, 260.100.1, 260.100.3, 260.102.4(b), 260.102.8(b), 260.102.16, 260.103, 260.105.28, 260.105.33, 260.111, 260.112, 260.113, 260.121, 260.131, 260.140.71.2, 260.140.87(e), 260.140.110.2, 260.140.1

Filed 09/25/02

Effective 10/25/02

Agency Contact: Kathy Womack (916) 322-3553

DEPARTMENT OF CORRECTIONS

Contraband -frontal Nudity

The regulatory action adds "Sexually explicit images that depict frontal nudity in the form of personal photographs, drawings, magazines or other pictorial format" to the listing of contraband contained in section 3006 of Title 15 of the California Code of Regulations and describes when sexually explicit material shall be allowed.

Title 15

California Code of Regulations

AMEND: 3006

Filed 09/30/02

Effective 09/30/02

Agency Contact:

Ann Cunningham (916) 322-9690

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Joe Serna, Jr. Farmworker Housing Grant Program

In this rulemaking, the Department of Housing and Community Development amends regulations relating to the Joe Serna, Jr. Farmworker Housing Grant Program, a program which makes grants and loans to certain entities for the construction and rehabilitation of housing for agricultural employees and their families. The amendments relate to modifying the

program definitions of "grant," "grantee," and "nonprofit corporation," and to grantees establishing replacement reserve accounts to provide for the costs of major repairs and the replacement of building components.

Title 25

California Code of Regulations

AMEND: 7202, 7234

Filed 10/01/02

Effective 10/01/02

Agency Contact: Lenora Frazier (916) 323-4475

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Conflict of Interest Code

This is a Conflict of Interest Code filing that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing only.

Title 25

California Code of Regulations

AMEND: Section 6500, Appendix A & B

Filed 09/30/02

Effective 10/30/02

Agency Contact: Lenora Frazier (916) 323-4475

DEPARTMENT OF INSURANCE

Direct Repair Programs and Auto Body Shop Labor Rate Surveys

This action defines terms and clarifies procedures, including reporting to the Department and making available to the public the results of auto body repair labor rate surveys conducted in conjunction with insurers' "direct repair programs," pursuant to Insurance Code section 758 (SB 1988), chapter 867, Statutes of 2000.

Title 10

California Code of Regulations

ADOPT: 2698.90, 2698.91

Filed 09/25/02

Effective 10/25/02

Agency Contact:

Teresa Campbell (415) 538-4126

DEPARTMENT OF SOCIAL SERVICES

Calworks 60- month Time Limit Procedures

This emergency readoption deals with the Cal-Works 60-month time limit procedures. (Prior OAL Files 02-0219-02E and 02-0626-02EE; California Department of Social Services ORD#1201-23.)

Title MPP

California Code of Regulations

ADOPT: 40-107.141, .142, .143, .144, .15, . 151, .152; 42-302.114, .114(a)-(c), .21(h)(l), .3; 44-133.8; 82-833 AMEND: 40-107.14, 16, .17, .18, .19; 42-301.2; 44-133.51; 82-823

Filed 10/02/02
Effective 10/28/02

Agency Contact:
Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES
Food Stamp Reauthorization Act of 2002

This emergency action conforms state food assistance regulations to federal statutory changes in the Food Stamp Reauthorization Act of 2002 (part of the Farm Security and Rural Investment Act of 2002, H.R. 2646, Public Law 107-171) by permitting some legally present noncitizens to obtain California Food Assistance Program benefits, raising the resource limit which an applicant may retain and still be eligible for Food Stamps for certain otherwise qualified disabled persons, and changing the standard deduction allowed per household to reflect household size, up to six persons.

Title MPP
California Code of Regulations
AMEND: 63-403.1, 63-405.134, 63-409.122, 63-502.31
Filed 09/30/02
Effective 10/01/02
Agency Contact:
Anthony J. Velasquez (916) 657-2586

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Liquefied Natural Gas

This emergency rulemaking action requires continuous monitoring for natural gas leaks during refueling.

Title 8
California Code of Regulations
AMEND: 451, 527
Filed 09/25/02
Effective 09/25/02
Agency Contact: Marley Hart (916) 274-5721

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Field Sanitation

The Department of Industrial Relations, Occupational Safety and Health Standards Board, is amending the captioned definition of "potable water" due to the fact that the current cross-reference to title 22, California Code of Regulations, Section 64401(b) was repealed in 1992 (Reg. 92, No. 28).

Title 8
California Code of Regulations
AMEND: 3457(b)
Filed 10/01/02
Effective 10/31/02
Agency Contact: Marley Hart (916) 274-5721

STATE MINING AND GEOLOGY BOARD
Procedures for Reviewing Orders to Comply

The regulatory action provides procedures for the review of orders issued pursuant to Public Resources Code section 2774.1 to comply with the Surface Mining and Reclamation Act of 1975 issued by the director of the department, or by the board when acting in the capacity of lead agency pursuant to Public Resources Code section 2774.4.

Title 14
California Code of Regulations
ADOPT: 3940, 3941, 3942, 3943, 3944, 3945, 3946, 3947, 3948
Filed 10/01/02
Effective 10/31/02
Agency Contact:
John G. Parrish (916) 322-1082

STATE MINING AND GEOLOGY BOARD
Administrative Penalty Procedures

The regulatory action deals with administrative penalty procedures.

Title 14
California Code of Regulations
AMEND: 3901, 3909, 3910
Filed 09/30/02
Effective 10/30/02
Agency Contact:
John G. Parrish (916) 322-1082

STATE MINING AND GEOLOGY BOARD
Reclamation Plan Petition Procedures

Public Resources Code section 2770 provides that any person may appeal to the State Mining and Geology Board a lead agency's certain actions or inactions on a surface mining operation reclamation plan submitted to the lead agency for review. This rulemaking action clarifies existing regulations that specify the procedure for appeal: by specifying that any person may file an appeal; by specifying automatic rejection of the appeal for a failure to submit all the required, completed documents within the 15 day filing period; by defining "failure to act" and "reasonable time"; by specifying that copies of the administrative record must be submitted within 30 days of receipt of notice that the appeal is within the jurisdiction of the board; by specifying that failure of the appellant to request the administrative record from the lead agency within 10 days of receiving the notice of acceptance of the appeal is a ground for dismissal, by specifying that the appellant shall notify the board within 15 days, instead of 10 working days, that the lead agency has not provided the administrative record; by specifying that following the production of the record by the lead agency, the failure of the appellant to produce the record within 10 days upon

request of the board is a ground for dismissal; by specifying that the board may consult with any Department of Conservation technical staff, instead of just Mine Reclamation Program technical staff; by requiring substantial compliance with sections 3700 et seq. of the board's regulations, by changing the time for public notice by the board of a hearing on an appeal from 10 working to 10 calendar days; and by specifying that 12 copies of any written statement must be submitted 5 days in advance of the hearing.

Title 14

California Code of Regulations

AMEND: 3650, 3652, 3653, 3655, 3656, 3658

Filed 10/01/02

Effective 10/31/02

Agency Contact:

John G. Parrish (916) 322-1082

STATE WATER RESOURCES CONTROL BOARD
Address Change, Update Year, Update Cross-Reference

This action makes various editorial, nonsubstantive changes, including an address change, a form update, and reference to a regulation.

Title 23

California Code of Regulations

AMEND: 645, 717(c), 767(b)

Filed 09/25/02

Effective 09/25/02

Agency Contact:

Patricia Meroney (916) 341-5354

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN MAY 29, 2002
TO OCTOBER 02, 2002**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

09/16/02 AMEND: 1859.79, 1859.79.3, 1859.81.1, 1859.83, 1859.107

09/12/02 AMEND: 18110, 18401, 18404.1, 18451, 18540, 18705.4, 18997

09/09/02 AMEND: 1859.92, 1859.104, 1859.105, 1859.107

08/19/02 ADOPT: 18535

08/14/02 ADOPT: 56, 56.1, 56.2, 56.3, 56.4, 56.5, 56.6, 56.7, 56.8

08/12/02 ADOPT: 1859.71.2, 1859.78.4, 1859.108
AMEND: 1859.50, 1859.70, 1859.72, 1859.73.1, 1859.73.2, 1859.74.1, 1859.75.1, 1859.76, 1859.78.2, 1859.79.3, 1859.81, 1859.81.1, 1859.82, 1859.100, 1859.101, 1859.102, 1859.107

08/12/02 ADOPT: 57.1, 57.2, 57.3, 57.4

08/07/02 ADOPT: 59000

07/31/02 ADOPT: 18450.1

07/25/02 AMEND: 2970

07/11/02 AMEND: 554.6

07/11/02 AMEND: 18707.4

07/11/02 ADOPT: 1859.200, 1859.201, 1859.202, 1859.203, 1859.204, 1859.205, 1859.206, 1859.207, 1859.208, 1859.209, 1859.210, 1859.211, 1859.212, 1859.213, 1859.214, 1859.215, 1859.216, 1859.217, 1859.218, 1859.219, 1859.220

06/27/02 ADOPT: 2351

06/27/02 ADOPT: 18450.3, 18450.4, 18450.5
AMEND: 18402

06/25/02 AMEND: 1189.10

06/20/02 REPEAL: 548.96

06/20/02 AMEND: 561.2, 561.3

06/17/02 AMEND: 18239, 18615, 18616

06/06/02 ADOPT: 18572

Title 3

09/19/02 ADOPT: 6450, 6450.1, 6450.2, 6450.3, 6784 AMEND: 6000 REPEAL: 6450, 6450.1, 6450.2, 6450.3, 6784

09/10/02 AMEND: 3700(c)

09/09/02 AMEND: 6414

08/30/02 AMEND: 3423(b)

08/29/02 AMEND: 1408.3

08/19/02 ADOPT: 3664, 3665, 3666, 3667, 3668, 3669

08/14/02 AMEND: 6172, 6192, 6200, 6252

08/13/02 AMEND: 3423(b)

07/25/02 AMEND: 3423(b)

07/23/02 ADOPT: 7015

07/18/02 AMEND: 6000, 6710

07/11/02 AMEND: 3700(b)

07/03/02 AMEND: 1392.1, 1392.2, 1392.4, 1392.9.1

07/01/02 ADOPT: 1180.3.1, 1180.3.2 AMEND: 300(c)

06/20/02 REPEAL: 3431, 3591.17

06/13/02 ADOPT: 1366

06/13/02 AMEND: 2303(t)

06/11/02 AMEND: 3425(b)

06/10/02 AMEND: 3406(b)

06/10/02 AMEND: 6391, 6393, 6394, 6395

06/04/02 AMEND: 3591.16(a)
 05/29/02 AMEND: 1380.19, 1436.38, 1446.7,
 1454.14, 1462.15

Title 4

09/12/02 ADOPT: 8110, 8111, 8112, 8113, 8114,
 8115, 8116, 8117, 8118, 8119, 8120,
 8121, 8122, 8123, 8124, 8125
 09/03/02 AMEND: 1107
 08/15/02 ADOPT: 4144
 08/13/02 AMEND: 7000, 7001, 7002, 7003,
 7003.5, 7004, 7005, 7006, 7007, 7008,
 7009, 7010, 7011, 7012, 7013, 7013.1,
 7013.5, 7014, 7015, 7016, 7017
 08/08/02 AMEND: 8072, 8074
 07/30/02 AMEND: 2050
 07/08/02 AMEND: 2049
 07/01/02 ADOPT: 12100, 12102, 12104, 12106,
 12108, 12110, 12120, 12130

Title 5

08/15/02 ADOPT: 11980, 11981, 11982, 11983,
 11984, 11985,
 08/13/02 ADOPT: 11969.10 REPEAL: 11969.9
 07/31/02 AMEND: 30950, 30951.1, 30952, 30953,
 30954, 30955, 30956, 30957, 30958,
 30959
 07/30/02 ADOPT: 11969.1, 11969.2, 11969.3,
 11969.4, 11969.5, 11969.6, 11969.7,
 11969.8, 11969.9
 07/29/02 AMEND: 3051.16, 3065
 07/15/02 AMEND: 80105, 80109, 80110, 80111,
 80112, 80113, 80114, 80115
 07/12/02 AMEND: 51010, 53000, 53001, 53002,
 53003, 53004, 53005, 53006, 53020,
 53021, 53022, 53023, 53024, 53025,
 53026, 53027, 53030, 53033, 53034
 06/28/02 ADOPT: 11983.5
 06/11/02 AMEND: 11530, 11531
 06/05/02 AMEND: 59311, 59328, 59342

Title 8

10/01/02 AMEND: 3457(b)
 09/25/02 AMEND: 451, 527
 09/19/02 AMEND: 14004, 14005
 09/12/02 AMEND: 1671.2
 09/09/02 ADOPT: 13635.1, 13655, 13656, 13657,
 13658, 13659 AMEND: 13630, 13631,
 13632, 13633, 13634, 13635,
 13637, 13638, 13639, 13640, 13641,
 13642, 13643, 13644, 13645,
 13646, 13647, 13648, 13649, 13650,
 13651, 13652, 13653, 13654
 09/03/02 ADOPT: 20299
 08/26/02 ADOPT: 340.40, 340.41, 340.42, 340.43,
 340.44, 340.45, 340.46, 340.47, 340.48,
 340.49, 340.50, 340.51, 340.52
 08/05/02 AMEND: 3362

07/31/02 AMEND: 4799
 07/30/02 ADOPT: 290.0, 290.1, 291.0, 291.1,
 291.2, 291.3, 291.4, 291.5, 292.0, 293.0,
 294.0, 295.0
 07/11/02 AMEND: 3241(a)
 07/01/02 ADOPT: 417.5 AMEND: 406,
 411.1, 415, 417.3 REPEAL: 411.2, 411.3,
 411.4
 06/20/02 AMEND: 3700, 3702
 06/18/02 AMEND: 5189
 06/12/02 AMEND: 9791.1, 9792.5, 9793, 9795
 06/03/02 AMEND: 4885
 06/03/02 AMEND: 5034(f)

Title 9

07/31/02 ADOPT: 9851, 9874 AMEND: 9800,
 9846, 9852, 9854, 9856, 9858, 9867,
 9876, 9884, 9886 REPEAL: 9857
 06/28/02 ADOPT: 9526, 9531 AMEND: 9500,
 9505, 9515, 9530, 9535

Title 10

09/25/02 AMEND: 250.9.1(a), 250.12(a), 250.51,
 350.60(a), 260.001, 260.100.1,
 260.100.3, 260.102.4(b), 260.102.8(b),
 260.102.16, 260.103, 260.105.28,
 260.105.33, 260.111, 260.112, 260.113,
 260.121, 260.131, 260.140.71.2,
 260.140.87(e), 260.140.110.2, 260.140.11
 09/25/02 ADOPT: 2698.90, 2698.91
 09/19/02 AMEND: 2851, 2851.1
 08/30/02 AMEND: 5101
 08/29/02 AMEND: 2698.200, 2698.201, 2698.301,
 2698.302
 08/28/02 ADOPT: 2278, 2278, 2278.1, 2278.2,
 2278.3, 2278.4, 2278.5
 08/28/02 AMEND: 2698.73
 08/27/02 AMEND: 2632.5(d)(11)
 08/20/02 ADOPT: 1729, 1741.5, 1950.302
 AMEND: 1741.5
 08/19/02 AMEND: 2130.3
 08/15/02 ADOPT: 5480, 5480.1, 5480.2, 5480.3,
 5480.4, 5480.5, 5480.6, 5480.7, 5480.8
 08/12/02 AMEND: 2318.6
 08/12/02 AMEND: 2318.6, 2353.1
 08/05/02 REPEAL: 310.100.1
 07/10/02 ADOPT: 1422, 1423
 07/02/02 AMEND: 6070
 06/24/02 ADOPT: 2698.68
 06/20/02 ADOPT: 2729.5, 2790.6, 2846.1
 AMEND: 2790.1, 2791.8, 2792, 2800,
 2810, 2811, 2910, 2911, 2912, 2930
 06/20/02 AMEND: 2498.6
 06/17/02 ADOPT: 2193, 2193.1, 2193.2, 2193.3
 06/07/02 AMEND: 5.2001 and Appendix
 06/06/02 AMEND: 2698.70, 2698.71 REPEAL:
 01-1219-06 E

06/03/02 ADOPT: 2187.3 AMEND: 2186.1, 2187.1, 2187.2
 06/03/02 ADOPT: 2192.1, 2192.2, 2192.3, 2192.4, 2192.5, 2192.6, 2192.7, 2192.8, 2192.9, 2192.10, 2192.11, 2192.12, 2192.13

Title 11

09/18/02 ADOPT: 61.8
 08/29/02 AMEND: 3000, 3001, 3003, 3007 , 3008
 08/27/02 AMEND: 1070, 1082
 08/13/02 AMEND: 1005
 07/02/02 ADOPT: 410, 411, 415, 416, 417, 418, 419, 419.1, 419.2, 419.3, 420, 421, 422, 423, 424, 425, 426 REPEAL: 410, 411, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426
 07/01/02 AMEND: 1081
 06/27/02 AMEND: 987.1
 06/19/02 ADOPT: 999.10, 999.11, 999.12, 999.13, 999.14, Appendix A

Title 13

09/16/02 AMEND: 1960.1, 1960.5, 1961, 1962,
 07/25/02 AMEND: 422.01
 07/22/02 ADOPT: 2444.2 AMEND: 2111, 2112, 2139, 2140, 2147, 2440, 2441, 2442, 2443.1, 2443.2, 2443.3, 2444, 2445.1, 2445.2, 2446
 07/10/02 AMEND: 1213.1, 1230, 1239
 07/05/02 ADOPT: 225.00, 225.03, 225.06, 225.09, 225.12, 225.15, 225.18, 225.21, 225.24, 225.27, 225.30, 225.33, 225.36, 225.39, 225.42, 225.45, 225.48, 225.51, 225.54, 225.57, 225.60, 225.63, 225.66, 225.69, 225.72
 06/24/02 ADOPT: 1962.1 AMEND: 1900, 1962
 06/24/02 AMEND: 1270
 06/18/02 AMEND: 1
 06/03/02 AMEND: 565

Title 13, 17

09/12/02 ADOPT: 1969, 60060.1, 60060.2, 60060.3, 60060.4, 60060.5, 60060.6, 60060.7

Title 14

10/01/02 AMEND: 3650, 3652, 3653, 3655, 3656, 3658
 10/01/02 ADOPT: 3940, 3941, 3942, 3943, 3944, 3945, 3946, 3947, 3948
 09/30/02 AMEND: 17400, 17402, 17402.5
 09/30/02 AMEND: 3901, 3909, 3910
 09/19/02 AMEND: 3626, 3627, 3628
 09/18/02 AMEND: 300(a) REPEAL: 502.1
 09/12/02 ADOPT: 105.5 REPEAL: 195
 09/12/02 AMEND: 120.3
 09/09/02 AMEND: 550, 551, 552
 09/09/02 ADOPT: 712
 09/04/02 ADOPT: 104.1

08/28/02 ADOPT: 786.7, 786.8 AMEND: 786.0, 786.1, 786.2, 786.3, 786.4, 786.5, 786.6
 08/26/02 ADOPT: 18090.0, 18090.1, 18090.2, 18090.3, 18091.1, 18092.0, 18093.0, 18093.1, 18094.0 AMEND: 18011
 08/21/02 AMEND: 7.50 (b)(212)
 08/13/02 ADOPT: 844.3, 844.4, 844.5 AMEND: 790, 840, 840.1, 841, 842, 843, 843.1, 843.2, 843.3, 843.4, 843.6, 843.7, 843.8, 843.9, 844, 844.1, 844.2, 844.6, 844.7, 845, 845.1, and 845.2
 08/12/02 ADOPT: 150.02, 150.04
 08/09/02 AMEND: 670.2
 08/06/02 AMEND: 28.59
 07/31/02 ADOPT: 50.00, 50.01, 50.02, 50.03, 51.00, 51.01, 51.02, 51.04, 51.05, 155.01, 155.05, 155.10 AMEND: 109
 07/25/02 AMEND: 791.7; Forms FG OSPR-1925, FG OSPR-1947, and FG OSPR-1972.
 07/25/02 ADOPT: 18085, 18086, 18087, 18088 AMEND: 18011, 18056
 07/17/02 AMEND: 2090, 2105, 2420, 2425, 2530, 2690 renumbered to 2850
 07/15/02 ADOPT: 916.13, 936.13, 956.13, 916.13.1, 936.13.1, 956.13.1, 916.13.2, 936.13.2, 956.13.2, 916.13.3, 936.13.3, 956.13.3, 916.13.4, 936.13.4, 956.13.4, 916.13.5, 936.13.5, 956.13.5, 916.13.6, 936.13.6, 956.13.6, 916.13.7, 936.13.7, 956.13.7, 916.13.8, 936
 07/12/02 AMEND: 895.1, 898, 914.8, 934.8, 954.8, 916, 936, 956, 916.2, 936.2, 956.2, 916.9, 936.9, 956.9, 916.11, 936.11, 956.11, 916.12, 936.12, 956.12, 923.3, 943.3, 963.3, 923.9, 943.9, 963.9
 06/28/02 ADOPT: 708 AMEND: 265, 308, 360, 361, 362, 363, 364, 365, 367, 368, 401, 555, 601, 711 REPEAL: 370, 371, 372, 373
 06/27/02 ADOPT: 4971
 06/25/02 AMEND: 7.50
 06/24/02 AMEND: 791, 791.5, 791.7, 792, 793, 794, 795, 796, 797.
 06/20/02 ADOPT: 17211, 17211.1, 17211.2, 17211.3, 17211.4, 17211.5, 17211.6, 17211.7, 17211.8, 17211.9
 06/19/02 AMEND: 2030
 06/19/02 AMEND: 2135
 06/18/02 AMEND: 11900
 06/13/02 ADOPT: 17402.5(c)(6), 17402.5(d)(3) AMEND: 17400, 17402, 17402.5
 06/06/02 ADOPT: 749.1
 06/05/02 AMEND: 1.1, 6159, 6170, 6170.5, 6171, 6179, 6184, 6185, 6200, 6206, 6222, 6243, 6254, 6255, 6262
 05/30/02 AMEND: 1104.1

Title 14, 27

06/21/02 AMEND: 18104.8, 18105.9, 18105.10, 21140

Title 15

09/30/02 AMEND: 3006
08/27/02 ADOPT: 3375.5 AMEND: 3000, 3375, 3375.1, 3375.2, 3375.3, 3375.4, 3377
08/19/02 ADOPT: 3426
07/24/02 ADOPT: 3220.2, 3220.3 AMEND: 3220, 3220.1
07/12/02 AMEND: 3000, 3454, 3456, 3457, 3458, 3459, 3460, 3462, 3463, 3464

Title 16

10/02/02 ADOPT: 306.3
09/24/02 AMEND: 1999.5
09/23/02 AMEND: 306.2
09/13/02 AMEND: 1811
09/11/02 ADOPT: 1706.5, Article 5, Article 6, Article 7, Article 8, Article 10, Article 10.1. AMEND: 1703, 1704, 1705, 1706, 1706.1, 1707.1, 1707.3, 1708.2, 1708.3, 1708.4, 1709, 1710, 1715.6, 1716, 1716.1, 1716.2, 1717, 1717.1, 1717.2, 1717.4, 1718, 1718.1, 171
09/10/02 AMEND: 1305, 1306, 1328
09/10/02 AMEND: 331-12.2(e)
09/09/02 AMEND: 438
08/20/02 AMEND: 1382.3
08/08/02 AMEND: 1707.2
08/07/02 ADOPT: 4140, 4141, 4142, 4143
08/01/02 ADOPT: 3367, 3368
07/31/02 AMEND: 2473
07/30/02 AMEND: 1399.523
07/26/02 AMEND: 3340.16, 3340.16.5, 3340.17, 3340.32, 3340.42, 3340.50 REPEAL: 3340.16.7
07/17/02 AMEND: 1387.1
07/03/02 AMEND: 3394.4 and 3394.6
07/01/02 ADOPT: 638, 639, 640, 641
06/12/02 ADOPT: 4, 9, 12, 12.5, 13, 14 AMEND: 6, 7, 9, 9.1, 10, 11.5, 37, 50
06/03/02 AMEND: 2034, 2036
05/29/02 ADOPT: 980.1 AMEND: 974

Title 17

09/24/02 AMEND: 6020, 6025, 6035, 6050, 6051, 6065, 6070, 6075
09/04/02 ADOPT: 94200, 94201, 94202, 94203, 94204, 94205, 94206, 94207, 94208, 94209, 94210, 94211, 94212, 94213, 94214
08/29/02 AMEND: 57332
08/22/02 ADOPT: 33001, 33002, 3303, 33004, 33005, 33006, 33007, 33008, 33010, 33011, 33012, 33013, 33014, 33015,

33025, 33050 AMEND: 33020, 33030, 33040 REPEAL: 33001, 33010

08/20/02 ADOPT: 93112

08/19/02 ADOPT: 94164, 94165 AMEND: 94010, 94011, 94153, 94155, 94163,

08/08/02 AMEND: 30253

08/08/02 AMEND: 58420

07/22/02 ADOPT: 93105

07/17/02 ADOPT: 2638 AMEND: 2500, 2502, 2505, 2551, 2552, 2553, 2596, 2614, 2626

06/28/02 AMEND: 6508

06/10/02 AMEND: 90700, 90701, 90702, 90703, 90704, 90705 & to the tables in Section 90705

Title 18

09/19/02 AMEND: 305.1

09/03/02 AMEND: 1540

09/03/02 AMEND: 1541

09/03/02 ADOPT: 1534

08/20/02 AMEND: 1528

08/19/02 AMEND: 1543

07/02/02 ADOPT: 1533.2

06/11/02 ADOPT: 255, 263, 264, 265 AMEND: 252, 254, 261, 304 REPEAL: 253, 256, 262

06/11/02 AMEND: 21 REPEAL: 23, 24, 25, 26

06/11/02 ADOPT: 1123, 1124, 1161, 1178, 1435, 1436 AMEND: 1101, 1105, 1120, 1132, 1134, 1420, 1422, 1430 REPEAL: 1103, 1104, 1106, 1107, 1108, 1114, 1115, 1116, 1117, 1118, 1119, 1121, 1131, 1133, 1151, 1152, 1153, 1154, 1155, 1171, 1172, 1173, 1174, 1175, 1176

06/07/02 AMEND: 1533.1

06/07/02 ADOPT: 1525.7

06/07/02 ADOPT: 1533

06/06/02 ADOPT: 1507

06/05/02 AMEND: 1111, 1122, 1137, 1177, 1413, 1470; section 1470 withdrawn from the instant filing.

06/04/02 AMEND: 135

05/29/02 AMEND: 23101.5

Title 19

09/12/02 ADOPT: 2575, 2575.1, 2575.2, 2576, 2576.1, 2577, 2577.1, 2577.2, 2577.3, 2577.4, 2577.5, 2577.6, 2577.7, 2577.8, 2578, 2578.1, 2578.2, 2578.3

09/12/02 ADOPT: 2575, 2575.1, 2575.2, 2576, 2576.1, 2577, 2577.1, 2577.2, 2577.3, 2577.4, 2577.5, 2577.6, 2577.7, 2577.8, 2578, 2578.1, 2578.2

Title 20

06/03/02 ADOPT: 1342, 1343, 1344 AMEND: 1302, 1303, 1306, 1307, 1308, 1340, 1341, 2503, 2505, 2507 REPEAL: 1342, 1343, 1344, 1349

Title 22

09/30/02 ADOPT: 110550 AMEND: 110413, 113100, 113200, 113300 REPEAL: 12-401.1, 12-104.432
 09/23/02 AMEND: 66261.9
 09/03/02 ADOPT: 69100, 69101, 69102, 69103, 69104, 69105, 69106, 69107
 09/03/02 AMEND: 40633
 08/27/02 AMEND: 12601, 12201
 08/22/02 ADOPT: 110385, 110449, 110554, 118020, 118203
 08/21/02 AMEND: Chapter 1; Section 7000
 08/14/02 ADOPT: 111560
 08/06/02 ADOPT: 66273.6, 66273.80, 66273.81, 66273.82, 66273.83, 66273.84, 66273.85, 66273.86, 66273.87, 66273.68, 66273.69, 66273.90 AMEND: 66271.9, 66273.1, 66273.8, 66273.9
 08/06/02 ADOPT: 63000.17, 63000.47, 63000.66, 63000.70, 63000.81, 63000.84, 63000.85, 63000.86, 63000.87, 63000.88, 63015, 63058 AMEND: 63000.19, 63000.37(and renumbered to 63000.67), 63000.40, 63000.43, 63000.62, 63000.86 (and renumbered to 63000.89), 63000.89
 08/05/02 AMEND: 68200, 68201, 68202, 68203, 68204, 68205, 68206, 68207, 68208, 68209, 68210, 68211, 68212, 68213, 68214
 08/01/02 AMEND: 66262.54, 66264.71, 66264.72, 66265.71, 66265.72, 66270.30, Appendix
 07/22/02 ADOPT: 111550
 07/18/02 AMEND: 12705, 12805
 07/16/02 AMEND: 51503, 51503.2, 51504, 51505.1, 51505.2, 51505.3, 51507, 51507.2, 51507.3, 51509, 51509.1, 51514, 51517, 51521, 51527, 51527, 51529, 51535.5
 07/15/02 ADOPT: 64860
 07/03/02 ADOPT: 66268.31.5 AMEND: 66261.32, 66261.33, Ch. 11 App. VII, Ch. 11 App. VIII, 66268.7, 66268.33, 66268.39.5, 66268.40 and table entitled "Treatment Standards for Hazardous Wastes, 66268.48, 66268.49, Ch. 18 App. VII.
 06/19/02 ADOPT: 67900.1, 67900.2, 67900.3, 67900.4, 67900.5, 67900.6, 67900.7, 67900.8, 67900.9, 67900.10, 67900.11, 67900.12
 06/10/02 ADOPT: 100178.1 AMEND: 100177, 100178

Title 22, MPP

08/15/02 ADOPT: 110041, 110042, 110098, 110284, 110299, 110428, 110539, 110609, 112002, 112015, 112025, 112034, 112035 AMEND: 110430, 110431, 110473, 112100, 112110, 12130, 112140, 112150, 112152, 112154, 112155, 112200, 112210, 112300, 112301, 112302, REPEAL: 12
 08/09/02 ADOPT: 80075.1, 82075.2, 87575.2, 87925 AMEND: 80001, 80061, 82001, 82061, 87101, 87561, 87801, 87861
 08/09/02 AMEND: 80001, 80006, 80061, 80065, 80068.3, 80071, 80075, 80077.2, 80077.3, 80077.4, 80087, 80090, 80092.1, 80092.2, 80092.3, 80092.4, 80092.6, 80092.7, 80092.8, 80092.9, 80092.10, 80092.11 REPEAL: 80095
 08/07/02 AMEND: 101218.1, 102419, 102421
 08/01/02 AMEND: 87101, 87565, 87566, 87568, 87589
 07/24/02 ADOPT: 110000, 110042, 110046, 110088, 110099, 110109, 110129, 110135, 110147, 110148, 110150, 110164, 110182, 110184, 110186, 110194, 110200, 110220, 110224, 110230, 110252, 110261, 110289, 110341, 110410, 110431, 110436,, 110445, 110456, 110474, 110478,
 07/23/02 ADOPT: 87227.1, 87583.1 AMEND: 80007(a), 87101(s), 87107(a), 87114, 87118(a), 87222(a), 87561(a)(1)(A), 87585(a), 87587, 87700, 87702, 87807(a), 87854(d)
 06/26/02 ADOPT: 89202, 89261, 89319, 89323, 89370, 89372, 89374, 89376, 89388, 89400, 89405 AMEND: 87000, 87001, 87005, 87006, 87007, 87009, 97010, 97010.1, 87010.2, 87017, 87018, 87019, 87019.1, 87019.2, 87020, 87021, 87024, 87026, 87027, 87028, 87029, 87031,
 05/29/02 ADOPT: Title 22 section 119184 REPEAL: MPP section 12-225.3

Title 23

09/25/02 AMEND: 645, 717(c), 767(b)
 09/19/02 AMEND: 3937
 08/27/02 ADOPT: 3410, 3410.1, 3410.2, 3410.3, 3410.4, 3410.5
 08/23/02 ADOPT: 2729, 2729.1
 08/08/02 AMEND: 3953
 07/30/02 AMEND: 2910
 07/18/02 ADOPT: 3936
 07/16/02 ADOPT: Publish new section 3935
 06/07/02 ADOPT: 510, 511, 512, 513, 514, 515, 516, 517

Title 25

10/01/02 AMEND: 7202, 7234
09/30/02 AMEND: Section 6500, Appendix A & B

Title 27

07/23/02 ADOPT: 10010(a), 10010(b), 10010(c),
10010(d) REPEAL: 10010

Title 28

08/19/02 ADOPT: 1300.73.21
08/12/02 ADOPT: 1001, 1002, 1003, 1004, 1005,
1006, 1007, 1008
07/17/02 ADOPT: 1300.67.05
07/08/02 REPEAL: 1300.75.4.2, 1300.75.4.4

Title MPP

10/02/02 ADOPT: 40-107.141, .142, .143, .144,
.15, 151, .152; 42-302.114, .114(a)-(c),
.21(h)(l), .3; 44-133.8; 82-833 AMEND:
40-107.14, 16, .17, .18, .19; 42-301.2;
44-133.51; 82-823
09/30/02 AMEND: 63-403.1, 63-405.134, 63-
409.122, 63-502.31
08/30/02 ADOPT: 16-001, 16-003, 16-005, 16-
010, 16-015, 16-105, 16-120, 16-130,
16-201, 16-215, 16-301, 16-310, 16-315,
16-320, 16-325, 16-401, 16-410, 16-501,
16-505, 16-510, 16-515, 16-517, 16-520,
16-601, 16-610, 16-701, 16-750, 16-801
AMEND: 20-300, 44-302,
08/06/02 AMEND: 63-102, 63-103, 63-300, 63-
301, 63-503
08/01/02 AMEND: 42-701.2(w), 42-710.1, 42-
710.2, 42-710.3, 42-711.522(c)(1), 42-
711.544, 42-711.91, 42-711.931, 42-

711.941, 42-712.441(a), 42-718.21, 42-
719.11, 42-719.111, 42-719.2, 42-719.3,
42-721.511(d)

08/01/02 AMEND: 40-181.1(e); 42-710.6; 42-
711.5, .6, &.8, 42-721.1&.4; 44-314.1&
.2;80-301(r); and 82-812.6

07/26/02 AMEND: 63-402

07/24/02 ADOPT: 16-702

07/22/02 ADOPT: 40-188.136, 40-188.16, 40-
188.21 AMEND: 40.101.11, 40-188.11,
40-188.12, 40-188.13, 40-188.131, 40-
188.132, 40-188.133, 40-188.137, 40-
188.138, 40-188.15, 40-188.17, 40-
188.22, 40-188.23, 40-188.24, 40-188.25,
40-190.22

07/03/02 ADOPT: 69-209, 69-210 AMEND: 69-
201, 69-202, 69-203, 69-204, 69-205,
69-206, 69-207, 69-208, 69-211, 69-212,
69-213, 69-214, 69-215, 69-216, 69-217,
69-301, 69-302, 69-303, 69-304, 69-205,
69-306 REPEAL: 69-210, 69-221

06/28/02 ADOPT: 40-107.141, 40-107.142, 40-
107.143, 40-107.144, 40-107.15, 40-
107.151, 40-107.152, 42-302.114, 42-
302.114(a)-(c), 42-302.21(h)(1), 42-
302.3, 44-133.8, 82-833 AMEND: 40-
107.14, 40-107.16, 40-107.17, 40-107.18,
40-107.19, 42-301.2, 44-133.51, 82-8

06/25/02 AMEND: 31-001, 31-002, 31-075, 31-
401, 31-405, 31-410, 31-420, 31-440,
31-445

